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Mikko Kanerva

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EXAMINER

DANIEL JR, WILLIE J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/893,792	Applicant(s) KANERVA, MIKKO	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24,45 and 47-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,45 and 47-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's RCE amendment filed on 20 May 2009. **Claims 24, 45, and 47-72** are now pending in the present application and **claims 1-23, 25-44, and 46** are canceled. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 May 2009 has been entered.

Claim Objections

3. **Claim 47** is objected to because of the following informalities:
 - a. Claim 47 recites the limitation "...**said** criteria..." in line(s) 7-8 of the claim. The Examiner interprets as --**said location** criteria-- (see claim 47, line(s) 5) and suggests replacing said limitation to have proper **antecedent** and help clarify the claim language.

Appropriate correction is required.

4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 71-72 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 71-72 are drawn to a "...computer-readable medium..." (descriptive material) *per se* and considered non-statutory subject matter.

- a. **Claims 71-72** included the limitation "...computer program...computer-readable medium...program configured to control a processor..." as recited in line(s) 1-2 of claim 71. Consequently, the specification fails to describe what constitutes *computer-readable medium*. As a result, the *computer-readable medium* does not exclude a *propagated signal*.

Regarding **claims 71-72**, the Examiner requests clarification as to what constitutes the "...computer-readable medium..." as supported by the by the specification. The applicant is advised to review the subject matter of the specification (see pg. 14, lines 14-17), which basically describes using any suitable signaling method.

See MPEP § 2106.01(I). Data structures not claimed as **embodied in computer-readable media** are descriptive material *per se* and are not statutory because they are **not capable of causing functional change in the computer**. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures **do not define any structural and functional interrelationships between the**

data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

6. Due to the 101 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
7. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. **Claims 71-72** included the limitation "...computer program...computer-readable medium...program configured to control a processor..." as recited in line(s) 1-2 of claim 71.

Regarding **claims 71-72**, the claim(s) include(s) a limitation that is not supported by the instant application as originally filed. The applicant in the par. bridging pgs. 10-11, of remarks section states, "...described with respect to communications over...telecommunications systems...page 7, line 3 - page 11, line 3...page 11, line 5 - page 12, line 30..." as a cited area of support for the claimed limitations. Upon reviewing the cited area and full description, the cited area does not support or convey the newly claimed limitations. The applicant is advised to review the subject matter of the specification (see par. bridging pgs. 3-4; pg. 4, 1st full par.; par. bridging pgs. 8-9; pg. 9, 1st full par.; pg. 10, 2nd full par.), which basically describes a register that stores location information of a mobile station that is retrieved by a processor (see pg. 8, 3rd full par.). In the specification, there is no language that clearly define or set forth as to **what constitutes** said "...computer **program**...computer-readable **medium**...program configured to control a processor...". Applicant is advised to clearly and concisely provide claim language that is consistent and correlates to the specification and mindful not to improperly utilized language that is clearly not supported. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

9. The above indication of a 112 rejection is hereby maintained which is **a continuation of a similar issue previously indicated** by the Examiner in the office action(s) mailed on 20 November 2008.
10. Due to the 112 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted.

In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.

11. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 45, 47-55, 62, and 71-72 are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (**US 5,953,673**).

Regarding **claim 24**, Neubauer discloses a system (see Fig. 1) comprising:

a telecommunication network (see Fig. 1);

a calling subscriber (SA, SA') which reads on the claimed "first station" (see col. 5, lines 39-45; Fig. 1); and

a plurality of called mobile target subscriber (SB) which reads on the claimed "second stations" (see col. 5, lines 58-64; Fig. 1);

wherein the first station (SA, SA') is configured to request a connection with at least one of said plurality of second stations (SB), said connection request comprising a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines

59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11),

wherein the telecommunication network comprises at least one store configured to store location information for at least some of said second stations and a selector configured to select at least one of the second stations for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claims 45 and 47**, Neubauer discloses a method and system (see Fig. 1) comprising:

a telecommunication network (see Fig. 1);

a calling subscriber (SA, SA') which reads on the claimed "first station" (see col. 5, lines 39-45; Fig. 1);

a plurality of called mobile target subscriber (SB) which reads on the claimed "second stations" (see col. 5, lines 58-64; Fig. 1);

defining means for defining at the first station (SA, SA') a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11);

requesting means for requesting a connection with at least one second stations (SB) satisfying said criteria (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11);

selecting means for selecting at least one of the second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35); and

establishing means for establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 48**, Neubauer discloses a method comprising:

receiving, from a station (SA, SA'), a request for a connection with one of a plurality of other stations (SB), the request comprising a location criteria to be satisfied by at least one of the other stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing location information for the other stations in a register (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting at least one of the other stations for the connection based on the location information stored in the register and the location criteria received in the request (see col. 9, lines 56-62; col. 10, lines 54-63), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11).

Regarding **claim 49**, Neubauer discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations satisfying the location criteria (see col. 5, lines 53-64; col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 50**, Neubauer discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 51**, Neubauer discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 52**, Neubauer discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 53**, Neubauer discloses the method as claimed in claim 48, further comprising defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in the order of closest according to requirements/aspects such as locational, temporal, hierarchical, and/or cyclical.

Regarding **claim 54**, Neubauer discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in which randomly would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 55**, Neubauer discloses an apparatus comprising:

a transmitter configured to transmit a request to a telecommunications network for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11);

a register configured to store location information for the plurality of stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11).

Regarding **claim 62**, Neubauer discloses an apparatus comprising:

transmitting means for transmitting a request to a telecommunications network for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11);

storing means for storing location information for the plurality of stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 71**, Neubauer discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 5, lines 39-45,58-64; col. 2, lines Fig. 1), the method comprising:

defining, at a first station of a telecommunication network, a location criteria to be satisfied by at least one second station (see col. 5, lines 5-11,39-45,58-64; Fig. 1); and

requesting a connection over the telecommunication network with at least one second station satisfying said location criteria, the connection request including the location criteria (see col. 5, lines 5-11,53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11),

wherein the telecommunications network is configured to select at least one of the second stations for connection, when said connection request is received by the telecommunication network, based on stored location information and the location criteria in the received connection request (see col. 5, lines 5-11,53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23); and

further configured to establish a connection between said first station and said at least one second station satisfying said location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 72**, Neubauer discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 5, lines 39-45,58-64; col. 2, lines Fig. 1), the method comprising:

receiving, from a station, transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the other stations (see col. 9, lines 5-19,59-62; col. 5, lines 5-11,53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11);

storing location information for the other stations in a register (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting at least one of the other stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Claims 24, 45, 47-52, 54-67, and 69-72 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0810803 A2)**.

Regarding **claim 24**, Tognazzini discloses a system (e.g., cellular system 1000) (see col. 11, lines 16-24; Figs. 10 and 11) comprising:

a telecommunication network (e.g., cellular system 1000) (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

wherein the first station (1010) is configured to query which reads on the claimed “request” a connection with at least one of said plurality of second stations (1020, 1030, 1040) (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12),

said connection request comprising a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 43-52; Fig. 5),

wherein the telecommunication network (1000) comprises at least one store (e.g., database) configured to store location information for at least some of said second stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and

a selector configured to select at least one of the second stations (1020) for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12), and

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 11, lines 16-24; col. 13, lines 12-42; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claim 45**, Tognazzini discloses a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), where the cellular system (1000) establishes communication

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between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient), comprising:

defining, at a first station (1010) of a telecommunication network (e.g., cellular system 1000), a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42); and

requesting (e.g., query) a connection with at least one second station satisfying said location criteria said connection request including said location criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station,

wherein at least one of said second stations is selected for connection, when said connection request is received, based on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

wherein a connection is established between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 47**, Tognazzini discloses a system (e.g., cellular system 1000) comprising:

a telecommunication network (1000) (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

defining means for defining at the first station (1010) a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting means for requesting (e.g., query) a connection with at least one second station satisfying said criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting means for selecting at least one of the second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing means for establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 48**, Tognazzini discloses a method comprising:

receiving, from a station (1010; calling station), a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the other stations (1020, 1030, 1040; called station) (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing location information for the stations in a register (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting at least one of the other stations (1020, 1030, 1040; called station) for the connection based on the location information stored in the register and the location criteria received in the request (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 49**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 50**, Tognazzini discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 51**, Tognazzini discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 52**, Tognazzini discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 54**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 13, lines 12-38).

Regarding **claim 55**, Tognazzini discloses an apparatus comprising:

a transmitter configured to transmit a request to a telecommunications network (1000) for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

a register configured to store location information for the plurality of stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 56**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to attempt to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 57**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to initiate a connection with a station satisfying the location criteria and falling in a predetermined group of stations (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 58**, Tognazzini discloses the apparatus as claimed in claim 57, wherein a predefined location criteria is associated with the predetermined group (see col. 13, lines 12-22; Fig. 15).

Regarding **claim 59**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group has a predetermined identifier associated therewith (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 60**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group is defined by the user of the apparatus (see col. 7, lines 29-57).

Regarding **claim 61**, Tognazzini discloses the apparatus as claimed in claim 55, further comprising a determination unit (e.g., GPS) configured to determine which stations satisfy the location criteria (see col. 13, lines 4-7).

Regarding **claim 62**, Tognazzini discloses an apparatus comprising:
transmitting means for transmitting a request to a telecommunications network (1000) for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing means for storing location information for the plurality of stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42;

col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 63**, Tognazzini discloses the method as claimed in claim 45, further comprising preventing a connection with the first station if the first station has made a connection request based on the location of the at least one second station (see col. 13, line 50 - col. 14, line 8).

Regarding **claim 64**, Tognazzini discloses the method as claimed in claim 45, further comprising permitting a connection only with predefined first stations if the first station has made a connection request based on the location of said at least one second station (see col. 13, lines 4-49).

Regarding **claim 65**, Tognazzini discloses the method as claimed in claim 45, further comprising transmitting a message, indicating that a first station wishes to make contact, to a second station satisfying the location criteria (see col. 10, lines 23-24; col. 13, lines 51-57).

Regarding **claim 66**, Tognazzini discloses the method as claimed in claim 65, wherein the second station receiving said message is configured to indicate if the call is to be accepted (see col. 13, line 57 - col. 14, line 8).

Regarding **claim 67**, Tognazzini discloses the method as claimed in claim 45, wherein said connection request comprises information identifying at least one second station (see col. 3, lines 50-52; col. 10, lines 47-51) and

wherein the method further comprises making a call between said first station and the identified at least one second station only if the location criteria is satisfied (see col. 3, line 53 - col. 4, line 8).

Regarding **claim 69**, Tognazzini discloses the method as claimed in claim 67, wherein the first station or at least one of said second stations is a cellular station (750) which reads on the claimed “mobile terminal” (see col. 8, lines 2-3; col. 9, lines 50-51).

Regarding **claim 70**, Tognazzini discloses the method as claimed in claim 45, wherein said first station or at least one of said second stations is a fixed terminal (see col. 9, lines 50-51).

Regarding **claim 71**, Tognazzini discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), the method comprising:

defining, at a first station (1010) of a telecommunication network (e.g., cellular system 1000), a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42), where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient);

requesting (e.g., query) a connection over the telecommunication network (1000) with at least one second station satisfying said location criteria, the connection request including the location criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

wherein the telecommunication network (1000) is configured to select at least one of said second stations for connection, when said connection request is received by the telecommunication network (1000), based on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3,

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line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display, and

further configured to establish a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 72**, Tognazzini discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), the method comprising:

receiving, from a station (1010; calling station), a request for a connection with one of a plurality of other stations (1020, 1030, 1040; recipient), the request comprising a location criteria to be satisfied by at least one of the other stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing location information for the other stations in a register (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting at least one of the other stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **De Brito (US 6,529,735 B1)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by De Brito.

In the same field of endeavor, De Brito discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 6, lines 50-65; Figs. 2A-B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and De Brito to have the feature(s) defining an order in which connections to the stations satisfying the location

criteria are to be attempted, in order to provide establishment of communication between an originating party and a most suitable party in said group, as taught by De Brito (see col. 1, lines 57-59).

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Nojima (US 5,933,080)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) defining an order in which connections to the stations satisfying the location

criteria are to be attempted, in order to provide an emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Tayloe (US 5,809,418)**.

Regarding **claim 68**, Tognazzini as applied to 67 discloses having a communication system (see col. 11, lines 16-24; col. 14, line 28 - col. 15, line 2), where communication is provided between a calling station and a called station in which a call is initiated but the called station does not respond. Tognazzini does not specifically disclose having the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria. However, the examiner maintains that the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria (see col. 2, lines 41-51; Figs. 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) wherein if the second station does not satisfy the location criteria at the time the

connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria, in order to provide a high likelihood of establishing a call, as taught by (see col. 2, lines 42-43).

esponse to Arguments

14. Applicant's arguments with respect to claims 24, 45, and 47-72 have been considered but are moot in view of the new ground(s) of rejection necessitated by the new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

15. The Examiner requests applicant to provide support for any further amended claim language.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
26 May 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617